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10/659,237	09/10/2003	Yasuhiro Mori	MTS-3302US1	3510
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NAQI, SHARICK				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,237

Applicant(s)

MORI, YASUHIRO

Examiner

Sharick Naqi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14, 28, 52 and 54-71 is/are pending in the application.
4a) Of the above claim(s) 6-14, 28, 52 and 54-59 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 60-71 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The Examiner acknowledges the amendments filed on April 24, 2008 and May 27, 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 60-71 are rejected under 35 U.S.C. 102(e) as being anticipated by
Teller et al. US Patent Number 6,605,038.**

60. A method of controlling a health of a user of a vital signs processing apparatus (*sensor device 10*) comprising vital signs detecting means configured to detect vital signs of the user and a vital sign processing means configured to process, store, and display the vital signs detected by the vital signs detecting means, the method comprising:

generating a health control program in a server according to a user chart comprising vital signs including height, weight, body fat percentage, and temperature of said user, the health control program including one or more of exercise indices and

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health control indices of the user of the vital signs processing apparatus, the server being external to the vital signs processing apparatus (*Fig. 1, Tables 1-2, column 4, lines 14-23, column 7, lines 5-16, Column 9, lines 14-41, column 14, lines 25-67, column 15 lines 1-67, column 16, lines 1-3. The suggested healthy daily routine/ feedback regarding the daily routine developed at the central monitoring unit 30 for each user is equivalent to generating a health control program in a server. The suggested/selected nutritional and exercise targets are equivalent to exercise and health control indices*);

transmitting the health control program to the vital signs processing apparatus (*Column 9, lines 14-41. Feedback provided as a reminder/alert directly through the sensor device 10 by downloading data from the central monitoring unit 30 is equivalent to transmitting the health control program to the vital signs processing apparatus*);

receiving the health control program in the vital signs processing apparatus (*Column 9, lines 14-41. Sensor device 10 receives the feedback data from the central monitoring unit 30*);

measuring vital signs of the user exercising according to the health control program (*Tables 1-2, column 4, lines 14-22, column 9, lines 14-41. Sensor device 10 measures physiological data of the user who exercises according to the suggested daily routine when provided the exercise reminders*),

wherein the health control program directs an exercise routine of the user, the exercise indices include at least one target value for at least one vital sign of the user during exercise, and the health control indices include information on at least one target

calorie consumption value of the user for a respective at least one predetermined time unit (*Tables 1-2, column 9, lines 14-41, column 9, lines 14-41, column 14, lines 25-67, column 15 lines 1-67, column 16, lines 1-3. User is provided exercise and meal reminders according to the suggested daily routine. Nutritional targets include daily calories, equivalent to health control indices with one target calorie consumption value for a time period. Activity targets include exercise at a certain intensity for a set time period, measured by time heart rate was above 85% of target maximum (Table 2) and equivalent to exercise indices including one target value for one vital sign during exercise*).

61. The method according to claim 60 further comprising:

transmitting the measured vital signs to the server (*Column 7, lines 5-16, column 8, lines 9-20*);

modifying the health control program depending on the transmitted vital signs (*Column 7, lines 5-16, column 8, lines 9-20, column 9, lines 13-41, column 14, lines 25-38 and lines 57-59, column 15, lines 45-47*); and

transmitting the modified health control program to the vital signs processing apparatus (*Column 9, lines 14-41*).

62. The method according to claim 60 further comprising:

determining, in the vital signs processing apparatus, whether the measured vital signs fall outside a range of values set in the health control program (*Column 7, lines 12-16*); and

transmitting warning information from the vital signs processing apparatus to the server requesting attention from the server (*Column 7, lines 12-16*).

63. The method according to claim 62 further comprising:

altering the exercise indices in the health control program according to the warning information to provide a modified health control program (*Column 7, lines 5-16, column 8, lines 9-20, column 9, lines 13-41, column 14, lines 25-38 and lines 57-59, column 15, lines 45-47*); and

transmitting the altered exercise indices to the vital signs processing apparatus to provide the vital signs processing apparatus with the modified health control program (*Column 9, lines 14-41*).

64. The method according to claim 61 further comprising:

measuring further vital signs of the user exercising according to instructions in the modified health control program (*Column 9, lines 14-41*).

65. The method according to claim 60 further comprising:

providing prompt information for requesting renewal of measured vital signs to the user (*Column 7, lines 5-17, column 8, lines 50-55, column 9, lines 14-41*);

measuring new vital signs of the user; and transmitting the new measured vital signs to the server (*Column 7, lines 5-16, column 8, lines 9-20, column 9, lines 14-41*).

66. The method according to claim 65, wherein said prompt information is output when the measured vital signs are not renewed for a predetermined time or longer (*Column 7, lines 5-17, column 8, lines 50-55*).

67. The method according to claim 65, wherein the prompt information includes a method of operation of the vital signs processing apparatus for the user to renew the measured vital signs (*Column 7, lines 5-17, column 8, lines 50-55, column 9, lines 14-41*).

68. The health control method according to claim 65, wherein the prompt information includes a method of operation of the server for the user of the vital sign processing apparatus (*Column 7, lines 5-17, column 8, lines 50-55, column 9, lines 14-41*).

69. The health control method according to claim 60 wherein:
the server further comprises a user ID (identifier) table for storing user identifications for corresponding a user chart of each user to that user uniquely (*column 10, lines 38-49, column 11, lines 57-67, column 12, lines 1-4, column 14, lines 25-38*);
and

each user identification is transmitted together with the health control program to the vital signs processing apparatus (*column 9, lines 14-41, column 11, lines 57-67, column 12, lines 1-4*).

Claims 70 and 71 are rejected on substantially the same basis as claim 60.

Response to Arguments

Applicant's arguments with respect to claims 60-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharick Naqi whose telephone number is (571)272-3041. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. N./

Examiner, Art Unit 3736

/Michael C. Astorino/

Primary Examiner, Art Unit 3736

May 21, 2008.